

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 24-cv-1305
	)	
	)	
\$485,476.00 IN UNITED STATES CURRENCY,	)	
	)	
	)	
Defendant.	)	

VERIFIED COMPLAINT FOR FORFEITURE

AND NOW comes the United States of America, by and through its counsel, Eric G. Olshan, United States Attorney for the Western District of Pennsylvania, and Jill L. Locnikar, Assistant United States Attorney for the Western District, and respectfully represents as follows:

1. Plaintiff, the United States of America, brings this civil action *in rem* for forfeiture to the United States of \$485,476.00 in United States currency (the “Defendant Currency”), pursuant to 8 U.S.C. § 1324(b) and 18 U.S.C. § 981(a)(1)(C).

2. Jurisdiction is predicated upon 28 U.S.C. § 1345 and § 1355(a). Venue is proper under 28 U.S.C. § 1395 and § 1355(b).

FACTUAL BACKGROUND

3. Law enforcement conducted an investigation of Prosperity Services, Inc. (“Prosperity”), a temporary staffing agency that pays workers who work at, among other locations, Fourth Street Barbecue, Inc. (“Fourth Street Barbecue”), a meat packing plant in Charleroi, PA.

4. Law enforcement conducted their investigation of Prosperity based on the

company's involvement in employment, transportation, and harboring of undocumented non-citizens in violation of 8 U.S.C. § 1324(a).

5. Prosperity's Articles of Incorporation, filed with the Pennsylvania Department of State, list the business as a for-profit, non-stock business with a registered office address located in Belle Vernon, PA.

6. A contract dated November 22, 2022 between Prosperity and Fourth Street Barbecue provides that all workers that Prosperity assigns to Fourth Street Barbecue shall be United States citizens or legal immigrants who are permitted to work in the United States and all workers shall have all documentation required to work legally in the United States.

7. Approximately once a week, Fourth Street Barbecue paid Prosperity via check for the workers Prosperity provided. Fourth Street Barbecue maintained records of the identities of the workers Prosperity provided, for whom Fourth Street Barbecue was making payment.

8. Law enforcement checked those identities against relevant databases and determined that some of the workers Prosperity provided were not legally authorized to be present in the United State and did not have authorization to work in the United States.

9. The checks Fourth Street Barbecue made payable to Prosperity were cashed at a check cashing business in Philadelphia. The proceeds from those checks were then driven to the Pittsburgh area, with a portion of the proceeds to be used to pay the workers Prosperity employed.

10. As part of the investigation of Prosperity, law enforcement interviewed employees, who told law enforcement that they were paid in cash.

11. Law enforcement also determined that Prosperity is paying rent for numerous individuals it employs who are undocumented non-citizens. Prosperity's PNC Bank Account

shows that checks totaling \$812,700.00 were issued to Bentleyville Nursing Home Inc. between 2022 and 2023.

12. Bentleyville Nursing Home Inc. owns property located at 25 Smita Lane, Bentleyville, PA, (“Bentleyville Property”) that was used to house Prosperity undocumented non-citizen employees.

13. Law enforcement determined that Prosperity owns passenger vans that were used to transport employees from the Bentleyville Property to Fourth Street Barbecue.

14. The investigation of Prosperity determined that it paid undocumented non-citizen employees at a location known and numbered as 1213 McKean Avenue, Charleroi, PA 15022 (the “PAY NOW”).

15. On May 19, 2023, law enforcement installed a pole cam with a view of the building in which the PAY NOW is located.

16. From on or about May 27, 2023, until on or about February 3, 2024, the pole cam surveillance of the PAY NOW recorded numerous people entering and leaving the PAY NOW on every other Saturday between 3:00 p.m. and 7:00 p.m.

17. The pole cam surveillance observed individuals arriving in a variety of vehicles, exiting the vehicles carrying duffle bags, entering the PAY NOW, and then leaving the PAY NOW with the duffle bags.

18. On at least two previous occasions, the individuals who arrived at the PAY NOW with a duffel bag drove up in a rental vehicle registered to Dustin NGUYEN (“NGUYEN”) and rented from the Philadelphia airport.

19. On February 17, 2024, law enforcement executed a search warrant at the PAY NOW. During the search of the PAY NOW, law enforcement observed the second floor to simulate a bank; windows were erected to resemble teller windows with labels identifying where

individuals worked. One label was “South” (believed to be for the south location of Fourth Street Barbecue, Inc.).

20. Numerous interviews were conducted in conjunction with the search of the PAY NOW. Many of the individuals interviewed were undocumented non-citizens who do not have work authorization and had not applied for work authorization. These individuals told law enforcement they were paid in cash at the PAY NOW.

21. On March 15, 2024, NGUYEN rented a Jeep Wrangler with Pennsylvania tag MKM-3666 from Enterprise at the Philadelphia Airport.

22. On March 16, 2024, a Pennsylvania State Police (“PSP”) Interdiction Trooper observed NGUYEN remove a suitcase from the vehicle he drove to the airport and then transfer the suitcase to the Jeep Wrangler that he rented.

23. At mile marker 56.9 on I-70 West, a PSP Trooper conducted a traffic stop on NGUYEN’s vehicle for failure to use a turn signal. During the course of the traffic stop of the rented Jeep Wrangler, troopers observed the suitcase in the rear of the vehicle in plain view, which was believed to contain the currency.

24. NGUYEN told PSP troopers he had only rented a vehicle one other time; however, the investigation revealed that NGUYEN previously rented a vehicle on September 30, 2023, and February 3, 2024, from the Philadelphia airport. On each occasion, the vehicle was later seen outside of the PAY NOW location in Charleroi, PA. A duffle bag was taken out of the rental vehicles and taken inside of the PAY NOW.

25. During the traffic stop, NGUYEN’s phone was receiving phone calls from “Andy” who is believed to be Andy Ha (“HA”), the owner of PROSPERITY<sup>1</sup>.

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<sup>1</sup> On or about June 12, 2023, HA was questioned by Pennsylvania State Police pursuant to a traffic stop. During a consent search of HA’s vehicle, law enforcement found a box with more

26. On March 17, 2024, HSI Pittsburgh and the Internal Revenue Service, Criminal Investigation Division (IRS/CI), executed a federal search warrant on the Jeep Wrangler bearing PA license plate MKM 3666 rented by NGUYEN per U.S. Magistrate warrant No. 24-418.

27. Agents located a rose gold suitcase and black North Face backpack in the trunk of the Jeep Wrangler. Inside the suitcase was the Defendant Currency and miscellaneous documents, including envelopes and excel spreadsheets containing pay calculations.

28. Inside the black backpack there were two envelopes and a check that was paid to the order of HAV Management located at 7011 Lark Place, which is the address of NGUYEN's home residence on his Pennsylvania driver's license.

29. After seizure of the Defendant Currency, NGUYEN filed a claim to the Defendant Currency as part of the administrative proceedings. As a result, the United States instituted this civil forfeiture action against the Defendant Currency.

30. Based on their investigation, law enforcement has determined that Fourth Street Barbecue paid Prosperity for providing workers, whom Prosperity knew were undocumented non-citizen workers. Prosperity transported and housed the undocumented non-citizens as well. Ultimately, Prosperity used a portion of the funds it received from Fourth Street Barbecue to pay the undocumented non-citizen workers in cash for their work.

31. By reason of the foregoing, and under the provisions of 8 U.S.C. § 1324(b) and 18 U.S.C. § 981(a)(1)(C), the Defendant Currency is forfeitable to the United States.

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than two hundred I-9 documents, a form used to verify the identity and employment authorization of individuals hired for employment in the United States, and a duffel bag filled with money, with notes indicating who the money would be payable to.

WHEREFORE, the United States of America respectfully requests that process of warrant *in rem* issue for the arrest of the Defendant Currency; that Judgment of Forfeiture be entered in favor of the United States for the Defendant Currency; and that the United States be granted such relief as this Honorable Court may deem just and proper, together with the costs and disbursements of this action.

ERIC G. OLSHAN  
United States Attorney

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VERIFICATION

I am a Special Agent with the United States Immigration and Customs Enforcement, Homeland Security Investigation (HSI), and the case agent assigned to this case.

I have read the contents of the foregoing complaint for forfeiture and the statements contained therein are true and correct to the best of my knowledge and belief.

I verify under penalty of perjury that the foregoing is true and correct. Executed on this 13 day of September, 2024.

*Carey Smith*

Carey Smith, Special Agent  
United States Immigration and Customs  
Enforcement, Homeland Security Investigation  
(HSI)